C.J.'s Court

Writ Petition No. 697 of 2003 (M/S)

Vikram Nath …… Petitioner

Vs.

State of Uttaranchal and others …….. Respondents

Hon. S.H. Kapadia, C.J.
Hon. P.C. Verma, J.

Sri Pankaj Miglani, learned counsel for the petitioner and Sri N.B.Tiwari, learned Chief Standing Counsel appeared.

Rule.

By the consent of parties rule is made returnable forthwith and the petitioner is disposed of following reasons:

A short point which arises in this case for determination is whether the petitioner is entitled to hearing in accordance with rules of natural justice and a reasoned order of the competent authority, namely, Collector, Haridwar.

On 7.10.1989, the petitioner was granted licence for vending stamps for the period 7.10.1989 to 31.03.1990. Since then the petitioner is vending stamps both judicial and non-judicial at Haridwar. Thereafter, the licence of the petitioner was extended from time to time. It was last extended upto 31.03.2004.

One Sri Sandeep Rathi lodged an F.I.R. on 16.6.2003 under section 302/394, I.P.C. The crime was registered as case crime no. 98 of 2003. Since the allegations have been made in this F.I.R., we do not wish to go into these allegations at this stage.

Suffice it to state that on 16.7.2003, respondent no.3 issued order cancelling licence no.65 of 1991 pertaining to the petitioner for vending stamps with immediate effect for the reason that the petitioner is in jail in connection to their above matter. This order was served on 25.7.2003.

According to the petitioner, the respondent no.3 has not given any opportunity of hearing to the petitioner. He has also not given detailed reasons for cancellation of licence.

Sri N.B.Tiwari, learned counsel for the respondent no 3 fairly states that respondent no.3 will give hearing to the petitioner on or before three weeks from today. Thereafter, the respondent no. 3 will pass a reasoned order in accordance with law, which shall be communicated to the petitioner.

In the above circumstances, the writ petition stands disposed of. All questions on merit are kept open. We do not wish to express our opinion on merit. However, if any adverse order is passed against the petitioner, he is at liberty to move to this Court, if so advised.

No order as to costs.

(P.C. Verma, J.) (S.H. Kapadia, C.J.)

5.08.2003
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